(25-P)

Previous references.

G.O. No 1935-J.13702-3 dt 16.3.11 1910.-11

(S.R.

Later references.

File No 126-10

Serial Nos. 1-5

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

Part B. for September 1911

SUBJECT.

Bill of the Public Prosecutor Mysore for giving legal advice

1. From the Deputy Commr, Mysore Dt. No 452 dt. 16.2.11. forwards for sanction a bill for Rs.161- claimed by the Public Prosecutor; Mysore, for having given his opinion in a certain case referred to him by the Deputy Commr.

2 To the D.C. Mysore No. H. 4818 dt. 16.3.11. Requests him to state the authority under which the Public Prosecutor was consulted in the case

G. R. S. 58

3. From the Offg Deputy Commr; Mysore. No. 635 dt. 15.5.11

P.7.6.1

Explains why it was necessary for him to consult the Public Prosecutor before coming to a decision under Sec 70 of the Stamp Regulations.

4. To the D.C. Mysore
Comptroller

No 21-477-8 dt. 2-8-11.

Sanctions the bill as a very special case with the direction that the Deputy Comr should use his own discretion in deciding such cases & that in cases of considerable importance & controversy the Govt advocate should be consulted through Govt.

5. To the Deputy Comrs of districts except D.C. Mysore
No. 21-522-8-dt. 25-9-11.

Communicates the order passed in Sl no(4) for information & guidance

C. 29
9.7.11

G.R.S. 11] 1910-11

GENERAL AND REVENUE SECRETARIAT.

(8.9)

NOTES.

File No. 126-10

FILE HEADING.

~~Ref~~ Bill of the Public Prosecutor, Mysore; for stamp legal advice

From The ~~Deputy~~ Commr ~~to~~ Mysore Dt

No. 454 Dated 16/2/11 Received 17/2/11

Diary No. 3349 Enclos. 1 bill & 1 file Spare Copies Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for sanction the bill ~~of~~ for Rs 16/- claimed by the Public Prosecutor, Mysore; for having given his opinion in a certain case referred to him by the Deputy Commr.

NOTES AND ORDERS

1. The claim of Rs 16/- is for having given an opinion in a case the details of which are given in the papers under disposal. The claim falls under ~~cl~~ sub para 2 of Para 7 of GO no. 1932 85/J137 of 1902-3 dt 16th March 1904

O

NOTES—First sheet

GPB—15,000—24-4-09.

G. R. S. 12]
General and Revenue Secretariat.

File No. 126 of 1910-1

Serial No. (2)

Filed with draft Sanctioning for orders.

M-83
21/2/11

(3) may be Sanctioned
I too would have been
better able to judge of the
Correctness of the Public
Prosecutor's Opinion, if the
original document or Copy
of it had been sent

22/2/11

2nd Cl

(4) The case so far as payment
of fee is concerned falls no
doubt under the Rule referred to. But what authority had the
D.C. to consult the Public Pr^r
at all? He is the Officer charged with
the duty of sanctioning Pros^ns under
S. 70 of the St. Reg^n. He is bound
to use his own discretion and
to pay for his having consulted

NOTE— Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

SR File No. 126 of 1910-11

Serial No.

a lawyer from Public Funds introduces a principle of action which is capable of further ~~dis~~ dis & startling applications.

(5) Ask the D.C. to explain under what authority he consulted this P.P. on a case which under (S. 70 St Regn.) a proviso of law should have been decided by himself.

24/2/11

(6) Put up draft

28/4/11

(7) Draft sub

Mr. 83

2/3/11

(8) Issue

3/3/11

mk 5

3/3/11

2 To the D.C. Mysore

No. FL 4878 dy 16-3-11

Requests him to state the authority under which the Public Prosecutor was consulted in the case.

NOTE— Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

S.O. File No. 126 of 1910

Serial No.

From the Opg Dy Com Mysore
No 635 dy 15-5-11

Explains how it was necessary for him to consult the Public Prosecutor before coming to a decision under Sec 70 of the Stamp Regulations.

Submitted for orders

Asst (14) 25/5 BMG 25/5/11

(9) Submitted

25/5/11.

(10) The Dy. Com has not given any adequate explanation. I think the claim should be disallowed on the grounds mentioned in my last note. Draft & submit to Diwan for approval.

27/5/11

(11) Put up draft

The draft is all right.

29/5/11

Diwan

2

P.T.O.

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

(12) Sibd with a draft as ordered - the draft is addressed to the other Dy Cmrs also as the principle is one of general application

does not seem necessary

to Dep^r

Dead 6/6/11

6/6
6/6
6/6/11

(13) 15/6/11

(14) 2nd C. J. Dewan

23/6

(15) 26/6/11

12.2.26

27.6.11

I have taken the liberty to modify the draft & commend the alterations & the Cmrs Consideration - and accept same - [Greater expense when a Lawyer's consultation fee is often saved by consultation & this appears the one such case]

2nd C

(16) I think the consultation in such cases should be through Govt.

30/6/11

30/6/11

To Comrt 17 July 11

G. R. S. 12]
General and Revenue Secretariat.

S. R. File No. 126 of 1910

Serial No.

(17) May the draft be altered by saying that the Consultation with the Govt. Advocate should be made through Govt.

Dewan)

CSB
3/7/14

12 3 3/6
4.7.11

SH
3/7/11

Please see the Dewan's order of this date on the previous page of the office notes and and also his addition to the draft order.

CSB(Ag)
17/7/14

Circulate

VM
18/7/14

SH
18/7/11

The draft as now revised may be approved.

Dewan 24.7.11

KPM

22/7/11

Dewan's objection

If the reference to Council is on the point of allowing such Consultation in Judl. matters, I have already given my opinion against it officially. But I shall have

NOTE—Contn. sheet.

GPB—50,000—12.8.10

(7)

G. R. S. 12]

General and Revenue Secretariat.

File No. 476 of 1910.

Serial No.

No objn to the matter being passed over & the expenditure sanctioned on the ground that it is an ~~[illegible] matter~~ insignificant amount.

24/7/11

Dewan.

12697

25-7-11

dft 25/7/11

Dewan's order.

The draft may issue as ~~now~~ modified.

Issue

dft 26/7/11

dft

dft 27/7/11

Before the draft is typed, orders are solicited as to whether, in view of the addition made by the Dewan requiring the Govt advocate to be consulted in such cases that Govt, the present order should not also be communicated to the other Deputy Cans for guidance.

Subd.

Issued on 28/7/11

ASR (1921) 27/7

Alter draft and then submit the file for orders on the

NOTE—Contn. sheet.

GPB—5,000—26-6-11

G. R. S. 12]

General and Revenue Secretariat.

SR File No. 126 of 1910.

Serial No.	
	Gurkha regiment.
	28/7/11.
	Orders as directed above
4	To the Dy Comr Hyde " Comptroller No. 7L 477-8 dy 2.8.11 Sanctions the bill as a very special case with the direction that the Dy Comr should use his own discretion in deciding such cases & that in cases of considerable importance & complexity the Govt Advocate should be consulted through Government.
	Orders forwarded as directed at the end of the previous page & letter noted
	We may perhaps Communicate the order to the Dy Comrs also
	16/8/11
	Secy

NOTE—Contn. sheet.

GPB—5,000—26-6-11

(9

G. R. S. 12]
General and Revenue Secretariat.

S. R File No. 126 of 19/0

Serial No.	
	Draft Communicating the order passed
	Asst (Cy) 1819 Initial-29
	2 Sheets 3 13/9/11
5	To the Deputy C of Ds except D.C. Mysore No. H 1522-8 dy 25-9-11 communicate the order passed in Sl no 4, for information & guidance

NOTE—Contn. sheet.

GPB—50,000—12-8-10

F/17/Fr 190 512 @ 3340

From
The Deputy Commissioner
Mysore District

To
The Secretary to the Govt.
General and Revenue Depts

Dated 15th

Despatched 16th February 1911

Received

General No. 454
No.

Enclosure No 1 Bill &
File

Submitting for sanction
bill for Rs 16/- claimed
by the Public Prosecutor, Mysore

No. 452
Enc. No. /

OFFICE OF THE Deputy Commissioner

MYSORE DISTRICT,

Dated Mysore Camp 15th February 1911.

To

C. S. Balasundaram Esq., B.A.

SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

I have the honour to submit herewith for sanction a bill for Rs 16/- being the fee claimed by Mr. B. Krishnamachar, Public Prosecutor, Mysore for giving opinion in the matter of instituting proceedings under Section 64 of the Stamp Regulations against Doddamma and others of Hilizode village, Hunsur Taluk.

A sale deed purporting to be for Rs 380/- executed by the said Doddamma and Basavaraja on 25.10.1909 in favour of Erasetty of the same village was presented for Registration before the Sub Registrar of Hunsur who entertained some doubt with regard to the actual amount of the previous encumbrances on the

the property which affected the total consideration and called upon the parties to furnish him with free particulars thereof under Section 27 of the Stamp Regulation.

On their refusal to do so, the Sub Registrar impounded the document and reported the matter to this office.

Thereupon he was ordered to give notices to the parties to that effect that if they failed to furnish him with the required particulars under Section 27 of Stamp Regulation in the given time, they would be liable for prosecution under Section 64 of the Stamp Regulation

When in pursuance thereof they appeared before the Sub Registrar and gave in their Statements, they persisted in refusing to give out what the Sub Registrar particularly wanted to know and they declined to attest their Statements.

In Commenting upon their impropriety Conduct throughout, the Sub Registrar solicits Sanction to prosecute them.

Upon a careful perusal of the records I could not find my way to accord such Sanction and

and asked the public Prosecutors opinion if it was a fit Case for prosecution.

While giving such opinion in the negative, he claims a fee of Rs 16/- as per bill enclosed.

The entire records bearing on the subject are submitted for reference and obliging return.

I have the honor to be,
Sir,
Your most Obedient Servant,

D Appanna Naidu
Deputy Commissioner
Anantapur District.

5

G.R.S. 26] 4/3/11

File No 1270
Serial No. 2.

Diary No. of letter replied to 3340

No. 70 4818
dt 16-3-1911

General and Revenue Secretariat
(GR)
, *the* 19

To
The Deputy Commissioner, Mysore

Date of issue 16-3-11

Signed by W Ramaswamy

Sir,

In returning herewith the records received with your letter no: 4574 dt 15/2/11, submitting for sanction a bill for Rs 16/- claimed by the Public Prosecutor, Mysore, for having given his opinion in the matter of instituting proceedings under Sec 64 of the Stamp Regulation against Doddaiah

over.

SUBJECT.

and sheets of Attigode Village,
I am directed to request
you to be so good as to state
the authority under which
the Public Prosecutor was
consulted when under
the provisions of ~~the~~ his Section
70 of the Stamp Regulation,
the matter should have been
~~you ought to have~~ decided by
~~it~~ yourself, and the
necessity for paying
a lawyer from public
funds.

I have etc

3.3.11

For Offg Secy to Govt

List of enclosures,

Nil

Copied by

Examined by

GPB—20,000—25-9-10

G.R.S. 31]

No. [illegible] GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE SECRETARIAT,

Dated Bangalore, 16-3-1911

FROM

C.S.Balasundaram Iyer, Esq., B.A.,

Offg. *Secretary to the Government of H. H. the Maharaja of Mysore,*
General and Revenue Departments.

To

The Deputy Commissioner, Mysore District.

SIR,

In returning herewith the records received with your letter No.454 dated the 15th February 1911, submitting for sanction a bill for Rs. 16/- claimed by the Public Prosecutor Mysore, for giving his opinion in the matter of instituting proceedings under Section 64 of the Stamp Regulation against Doddanna and others of Attigode village, I am directed to request you to be so good as to state the authority under which the Public Prosecutor was consulted. ~~when under the provisions of Section 70 of the Stamp Regulation, the matter should have been decided by yourself,~~ The question at issue seems to have been a matter for decision by the Dy C. under the provisions of Section 70 of the Stamp Regulation, in a judicial or quasi-judicial Capacity.

I have the honor to be,

S i r,

Your most obedient servant,

For Offg. Secretary to Government.

M.N.
3/3

24 Feb
CKJ
15/3/11

GPB—10,000—27-4-10

8

II
Secy 1645 of 11

190 D4650

From A. Subramanya Iyer Esq., B.A.
Offg. Deputy Commissioner,
Mysore District.

S.R 1210
8 no. 3

To C. S. Balasundaram Iyer Esq., B.A.
Offg. Secy. to Govt. of Mysore,
Gen. & Rev. Depts.

Dated 15th May 1911

Despatched

Received

General No. 635
No.

Enclosure No. 1 file

Explains the Circumstances under which the Public Prosecutor was consulted in the matter of instituting proceedings under Sec. 64 of Stamp Regulation against Boddanna and others of Attigodu Village

GBPM—21-9-1910—1,000.

No.
Enc. No.

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,

Dated Mysore Camp 15th May *191*

FROM

A.Subramanya Iyer Esq., B.A.
DEPUTY COMMISSIONER, MYSORE DISTRICT.

To

C.S.Balasundram Iyer Esq., B.A.
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

With reference to your letter No. F.4818- sR 126-10-2 dated 16th March 1911 enquiring the authority under which I consulted the Public Prosecutor in the matter of instituting criminal proceedings under the stamp regulations against Doddanna and others referred to therein, I have the honor to state that I am unable to furnish authorities in all matters in which I may consider legal advice necessary. In the case under reference for instance, though the question at issue was a matter for proceeding under section 70 of the Stamp Regulations, I had to satisfy myself whether the document as it stood set forth accurately the consideration and all other facts and circumstances affecting its chargeability with the prescribed duty. Whether the act or omission of the parties corroborated upon in detail by the Sub Registrar in his reports Nos. 145 & 36 dated 3-12-09 / 19-5-10 were such as to render them liable to prosecution and whether the Chief ingredient viz., the intention to defraud Government could be made out from the records on hand so as to bring home the offence to the parties.

In view to arrive at a correct conclusion in all these points I had to be guided by the general scope of the Regulations, and a comparison of the various sections as well as the terms of the document and the subsequent conduct of the

the parties. In doing so, certain technical doubts arose and as the institution of such prosecutions on insufficient grounds and consequent acquittal of the accused would be far worse than the absence of any prosecution at all, I wanted to consult the Public Prosecutor before coming to a decision under section 70 of the stamp Regulation.

Further I beg to state that of late the number of insufficient stamp papers is on the increase and they are impounded and sent to this office for adjudication. With a view to put an end to the tendency of defrauding Government on the part of the Public I was looking for opportunities to prosecute one or two typical cases under the Stamp Regulations so that they might serve as an example to others who may be dishonestly inclined to break the provisions of the law; and the document in question afforded an opportunity of the kind. I may be permitted to add that such necessity so often arise in this large district on various points and if I cannot consult professional men and obtain legal advice whenever it is deemed necessary I am afraid complications may arise in due course resulting at times in failure of justice.

In the Madras Presidency the Public Prosecutor is the legal adviser to the Collector and the latter freely consults him in all Revenue and Criminal matters. Such help to the Deputy Commissioners here also is necessary. The Public Prosecutor being handy at Mysore I have greater facilities to consult him but if the Government think this is objectionable I beg that I may be permitted to consult the Government Advocate, but this will necessarily entail delay and correspondence.

The papers received with your letter under reply

are

are herewith submitted.

I have the honor to be

sir

Your most obedient servant

Offg; Deputy Commissioner

Mysore District.

G.R.S. 28.] 2917

File No. 1260

Serial No. 4

Diary No. of letter replied to 4650

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT
(G S R)

READ--

Letter no 454 dy 15-2-1917 from the Deputy commissioner Mysore submitting for sanction a bill for Rs 16/- claimed by the Public Prosecutor Mysore for giving his opinion in the matter of instituting proceedings under Section 64 of the Mysore Stamp Regulation against Doddanna and others of Attigode village Hunsur Taluk

2 Correspondence ending with letter no 635 from the same office

over

the 19

Date of issue 2nd August 1917

Signed by W Thirumale

ORDER THEREON.—No.

SUBJECT.

explaining the necessity for having sought legal advice.
cancelled the Public Prosecutor

Petition no. 46 477-8 of 2nd August 1911
Ex parte

Govt observe that

the Dycan was not in order in

considering the Public Prosecutor

under section 70 of the Stamp Act

he is the officer who is charged

with the duty of sanctioning prose-

cutions and as such he is bound

to use his discretion in deciding

such cases. He cannot therefore be

allowed to consult a lawyer and

throw the consequent expenditure on

public funds. In cases of considerable

importance or complexity the Govt Advocate

is the person who should be

consulted - & that

should through

the Govt -

In the above view, Govt are not inclined to

disallow the claim of Public

Prosecutor. But these remarks the bill is

launched as a very special case -

17/8/11

Sir. Secy to Govt

May this be printed? Does not seem necessary

To the Dycan. Inspector returning enclosures.

~~Use to Govt of other Dys~~ my memorandum

Comptroller.

21/7/11

Govt 1/8/11

Advt (121) 6/10

1919 Jan 3

14

G.R.S. 26]

File No. 1260

Serial No. 5

Diary No. of letter replied to 4650

No.

General and Revenue Secretariat

(Sep. Rev)

, *the* 19

~~To~~

Here enter L.O. No

H 477-8 - S.R 1260-4 dt 2.8.11

Date of issue 25-9-11

Signed by [illegible]

Memo no H 1522-8

dt 25-9-11

The above order is

communicated to the Deputy Com

x x x District for information

and guidance

By order

for Offg. Secy

Bangalore -
Kolar
Tumkur
Hassan
Shimoga
Chitaldrug
Kadur.

ASO (21) 1919

S.R. 19.9.

over.

SUBJECT.